IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 19092 of 2004

Between:

1 K.Prakasam, S/o.Kotaiah,
R/o.Harijanwada, Perecherla village,
Medikonduru Mandalam, Guntur Dist.
2 K.Pitchayya, S/o.Kotaiah,
R/o.Haijanwada, Perecherla village,
Medikonduru Mandalam Guntur Dist.

..... PETITIONER(S)

AND

1 The Dist. Collector, Guntur, Guntur Dist.
2 The Revenue Divisional Officer, Guntur, Guntur Dist.
3 The Mandal Revenue Officer, Medikonduru, Guntur Dist.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate order or direction or a writ more particularly a writ in the nature of Mandamus not to allot the land of the petitioners situated in S.No.273 of perecherla village, Medikonduru Mandalam, guntur District, an extent of 44 cents and 25 cents respectively in favour of road side hut dwellers, without initiating Land Acquisition proceedings and without paying compensation, by declaring the same as illegal, void and without jurisdiction.

Counsel for the Petitioners:MR.G.DHARMA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

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The petitioners have filed this writ petition on mere apprehension that the respondents are resorting to allot the land in question to other poor persons and that they will be dispossessed from the site, since the respondents measured the land in question.

Inasmuch as the respondents measured the land, it cannot be presumed that they will not follow the due procedure for eviction, if any, particularly when the petitioners were conferred with 'D' Pattas, in respect of the land in question.

No cause of action arises to entertain the writ petition and the same is dismissed. In case, the land of the petitioners is required for any other public purpose, it is only after following the due procedure, the petitioners can be dispossessed but not otherwise. No costs.

14.10.2004

Note: Furnish copy by tomorrow.

B/o.ts

To

1 The Dist. Collector, Guntur, Guntur Dist.
2 The Revenue Divisional Officer, Guntur, Guntur Dist.
3 The Mandal Revenue Officer, Medikonduru, Guntur Dist.

4 2CCs to the G.P. for Revenue, High Court Buildings, High

Court of A.P. Hyderabad.

5 2 C.D. copies